



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3017185
Applicant Name: Steve Bull for Valley School
Address of Proposal: 309 31st Avenue East

SUMMARY OF PROPOSED ACTION

Land Use Application to demolish an existing administrative office building and construct a new two story, 2,768 sq. ft. classroom building. (The administrative office will be relocated to 318 30th Ave E.) (Valley School).

The following approval is required:

Administrative Conditional Use Permit - to allow expansion of a private school in a Single Family 5000 zone (Section 23.44.022 Seattle Municipal Code (SMC)).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

 ☐ DNS with conditions

 ☐ DNS involving non-exempt grading, or demolition, or
 involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The site is located in the Madison Valley on the north site of East Thomas Street between 30th and 31st Avenues East in a Single Family (SF 5000) zone. The L-shaped site has a mapped environmentally critical area designation due to liquefaction. A private school named The Valley School occupies the five parcels. Five existing structures (including a covered play area) comprise the school buildings. The students range from pre-Kindergarten through the fifth grade.

The entire block has an unimproved alley in which neighbors and the subject institution have landscaped for their uses.

Area Development

Development consists primarily of single family residences in the large SF 5000 zone to the north, south, east and west. Martin Luther King Jr. Family Arts Center and the Bush School are located two blocks to the northeast of the site. The entrance to the Arboretum on East Madison Street is located four blocks to the north. There is a mixture of commercial and multifamily development along East Madison Street.

Proposal Description

The proposed project involves the demolition of a two-story plus basement 2,277 sq. ft. structure currently used for administration (Building # 6) and the construction of a new single story plus partial basement 2,768 sq. ft. classroom building. The proposed new structure would contain three classrooms yet will not increase the number of classrooms on campus given other campus reorganization associated with this proposal. This includes a) relocating the administration offices to the “yellow” building which displaces one classroom, the library and two tutorial rooms; b) relocating the library and tutoring to the “Big Room Building” which displaces two classrooms; and c) locating the three displaced classrooms in the new classroom building. Associated with this project will be the relocation of the waste collection area, relocation of accessory structures, pathways to improve campus accessibility, stormwater infrastructure and landscaping.

Public Comment

The comment period for this proposal ended on July 16, 2014. During the comment period DPD received several comment letters. Remarks focused on traffic and noise impacts to the neighborhood, loss of greens space and parking.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

23.44.022 D. General Provisions

1. *New or expanding institutions in single family zones shall meet the development standards for uses permitted outright in Section 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution Master Plan.*

According to the plans submitted with the application, the proposal will meet all applicable development standards as analyzed and conditioned below.

2. *The establishment of a child care center shall not be considered a new use or an expansion.*

No child care center is proposed.

3. *Institutions seeking to establish or expand on property which is developed with residential structures may expand their campus up to a maximum of two and one-half*

(2.5) acres. An institution campus may be established or expanded beyond two and one-half (2.5) acres if the property proposed for the expansion is substantially vacant land.

The campus falls below the 2.5 acre threshold. The school does not propose to expand the campus boundary.

4. *An institution which finds that the development standards of the single-family zone classification are inadequate to its development needs may apply for reclassification to major Institution status.*

This section does not apply.

23.44.022E. Dispersion

1. *The lot line of any proposed new or expanding institution, other than child care centers locating in legally established institutions, shall be located six hundred (600') or more from any lot line of any other institution in a residential zone, with certain exceptions.*
 - b. *A proposed institution may be located less than six hundred feet from a lot line of another institution if the Director determines that the intent of the dispersion criteria is achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks or other elements such as arterials, freeways or nonresidential uses, which provide substantial separation from other institutions.*

Martin Luther King Jr. Family Arts Mentoring Community Center (MLK FAME) lies within 600 feet of Valley School. The Bush School is more than 600 feet from Valley School. The MLK FAME Community Center is separated from the Valley School by 31st Ave E., 32nd Ave E. and E. Harrison St. The Seattle Department of Transportation has designated 32nd Ave E. as a collector arterial. The institutional boundary of the Valley School is not expanding.

23.44.022 F. Demolition of Residential Structures

No residential structure shall be demolished nor shall its use be changed to provide for parking.
No residential structure will be demolished.

23.44.022 G. Reuse of Existing Structures

Existing structures may be converted to institution use if the yard requirements for institutions are met.

The existing campus structures are already operating as an institutional use.

23.44.022 H. Noise and Odors

For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, outdoor recreational area, trash and refuse storage areas, ventilating mechanisms, sport facilities and other noise generating and odor-generating equipment, fixtures or facilities. The institution shall be designed and operated in compliance with the Noise Ordinance, Chapter 25.08.

The proposed expansion is not expected to generate any noticeable increased noise and odors. The existing kitchen is used as an informal coffee and snack area. There are no plans to prepare or serve meals. The proximity of the solid waste and recycle storage area to the north property line and close to the adjacent single family residence should be fully enclosed to ensure the reduction of potential odors and noise.

None of the activities proposed as part of the typical use of the site are anticipated to exceed the maximum permissible sound levels as established and modified in the SMC Chapter 25.08.

No additional parking is required nor will any be provided.

23.44.022 I. Landscaping

Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.

Landscaping is planned in accordance with the land use code. The proposed landscaping includes the planting of two new street trees, three new trees in the side yard, the extension of the fence and the plating of grass and shrubs typical of a single family neighborhood. The majority of the site not covered by the proposed structure will be comprised of landscape or other permeable surfaces such as wood chips. Street trees and shrubbery will be used to screen the school from adjacent residential lots and the right of way. The three new trees will replace two, eight inch Junipers and a ten inch Northern White Cedar in order to construct the new structure.

There is no proposed on-site parking.

23.44.022 J. Light and Glare

Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots.

Based on the application, lighting will be recessed or on wall mounted downlights with low wattage. Exterior lighting will be directed down and the lighting source will not be visible.

23.44.022K. Bulk and Siting

1. *Lot Area. If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:*

a. *For lots with unusual configuration or uneven boundaries, the proposed principal structures are located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum.*

The Valley School campus consists of less than an acre.

b. *For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces in order to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.*

Does not apply.

2. *Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no such structure other than freestanding walls fences, bulkheads or similar structures shall be closer than ten (10) feet to the side lot line. The Director may permit yards less than ten (10) feet but not less than five (5) feet after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.*

All yards will be compliant with SMC 23.44.008.

3. *Institutions. Located on Lots in more than One (1) zone classification. For lots which include more than one (1) zone classification. Single family zone provisions shall apply only to the single family zoned - lot area involved.*

The subject site is located in one (1) zone classification, SF 5000; therefore, this criterion is not applicable.

4. *Height limit:*
 - a. *A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or spire, may be extended an additional twenty-five (25') above the height limit.*

No religious symbols are included in this proposal.

- b. *For gymnasiums and auditoriums that are accessory to an institution the maximum height shall be thirty-five (35) feet if portions of the structure above thirty-five (35) feet are set back at least twenty (20) feet from all property lines. Pitched roofs on a gymnasium or auditorium which have a slope of not less than three to twelve (3:12) may extend ten (10) feet above the thirty-five (35) foot height limit. No portion of a shed roof on a gymnasium or an auditorium shall be permitted to extend beyond the thirty-five (35) foot height limit under this provision.*

The proposed classroom building does contain a gymnasium and/or auditorium.

5. *Facade Scale: If any facade of a new or expanding institution exceeds thirty feet (30') in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of the bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.*

The facades have an appropriate amount of modulation, transparency and landscaping to minimize the building's bulk.

23.44.022 L Parking and Loading Berth Requirements

SMC 23.44.022.L provides that the Director may modify the parking and loading requirements of Section 23.54.15, required parking, and the requirements of Section 23.44.016, parking

location and access, on a case by case basis using the information contained in the transportation plan prepared pursuant to Subsection M of this section. The modification shall be based on adopted City Policies and shall:

- i. Provide a demonstrable public benefit such as, but not limited to, reduction of traffic on residential streets, preservation of residential structures, and reduction of noise, odor, light and glare; and*
- ii. Not cause undue traffic through residential streets nor create a serious safety hazard.*

Transportation Plan

A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of the structure area and/or required to provide twenty (20) or more spaces.

The changes proposed do not increase the school's enrollment or propose to alter the existing transportation management plan. The key components of the transportation plan include the use of staggered schedules and carpools, parking and school access guidelines, teacher, staff and parent consent to the plan, and subsidized bus passes for staff, and shared bus service with Bush School.

Nearby intersections operate at acceptable levels and traffic is within the capacity of the streets in the immediate area. The reorganization of the classrooms and administrative offices are not expected to change existing traffic circulation and demand for on street parking in the vicinity and no parking will be eliminated. Therefore, the transportation plan is consider sufficient to mitigate traffic and parking impacts of the expansion of the school into the residence.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE -GENERAL PROVISIONS

- A. SMC 23.44.018.A provides that uses identified as conditional uses may be authorized in single family zones. The Master Use Permit process shall be used to authorize these uses. The City's Land Use Code allows religious institutions and private elementary and secondary schools in single family zones, but establishes the conditional use process as the mechanism for screening and mitigating impacts related to such uses.*

The proposed changes to the Valley School campus may be authorized through the conditional use process in a single family zone pursuant to this section and section SMC 23.44.022. The proposal is adding to the institutional footprint. As a result the proposal is not exempt from ACU review.

- B. SMC 23.44.018(B) states that, unless specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016.*

The proposal will meet all applicable development standards as analyzed above and conditioned below.

- C. SMC 23.44.018(C) states that the Director may approve, condition, or deny a conditional use based on determination of whether the proposed use meets the criteria for*

establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

No adverse impacts associated with the public welfare or injurious to property with this proposal have been identified.

D. *SMC 23.44.018(D) states that, in authorizing a conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest.*

Due to the surrounding single family uses and structures the construction work will have an adverse construction impact on the surrounding community. As a result, conditioning is warranted to limit the time that major construction can occur.

E. *Any use which was previously authorized by a conditional use permit but which has been discontinued shall not be reestablished or recommenced except pursuant to a new conditional use permit, provided that such permit is required for the use at the time re-establishment or recommencement is proposed. The following shall constitute conclusive evidence that the conditional use has been discontinued:*

1. *A permit to change the use of the property has been issued and the new use has been established; or*
2. *The property has not been devoted to the authorized conditional use for more than twenty-four (24) consecutive months.*

Property which is vacant, except for dead storage of materials or equipment of the conditional use, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the conditional use shall be evidence that the property is not being devoted to the conditional use. A conditional use in a multifamily structure or a multitenant commercial structure shall not be considered as discontinued unless all units are either vacant or devoted to another use.

The property has been in continuous use.

F. *Minor structural work which does not increase usable floor area or seating capacity and does not exceed the development standards applicable to the use shall not be considered an expansion, unless the work would exceed the height limit of the zone for uses permitted outright. Such work includes but is not limited to roof repair or replacement and construction of uncovered decks and porches, bay windows, dormers, and eaves.*

The scope of work stated above does not fall within “minor structural” work and as a result, an ACU is required for the proposal.

DECISION-ADMINISTRATIVE CONDITIONAL USE

The application for an administrative conditional use is **CONDITIONALLY GRANTED.**

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE PERMIT

Prior to Land Use Issuance

1. Provide a fully enclosed trash and recycling storage area.

During Construction

The owners and/or responsible party(s) shall:

2. All construction activities are subject to the limitations of the Noise Ordinance. In addition construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays and Saturdays from 7am to 6pm. Activities that generate minimal noise, such as site security, monitoring, weather protection shall not be limited by this condition. Construction activities outside the above-stated restrictions may be authorized with advanced approval of a Construction Noise Management Plan by the Director of Planning and Development when necessitated by unforeseen construction, safety, or street-use related situations.

For the Life of the Project

3. The school shall continue to implement the updated transportation plan submitted with this application and as originally conditioned in Master Use Permit 9105749 including providing the school staff with bus passes at a 30% discount, shared bus arrangements with the Bush School or other school, maintain a designated staff person as the institution transportation coordinator to encourage and facilitate carpool and other transportation plan requirements.

Signature: _____ (signature on file) Date: December 22, 2014
Bruce P. Rips, Land Use Planning Supervisor
Department of Planning and Development

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.